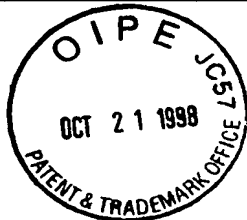




<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) CONT1013
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s): Richard Chao		
Patent Number 5,568,207	Date Patent Issued October 22, 1996	
Title of Invention AUXILIARY LENSES FOR EYEGLASSES		
<p>Contour Optik, Inc. _____ is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> The reel and frame number of the assignment being:</p> <p>Reel 8334, frames 0766-7</p> <p>I am authorized to act on behalf of the assignee.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p>		
Name of assignee Contour Optik, Inc.		
Signature of person signing for assignee <i>David Y. Chao</i>	Date May 28 1998	
Typed or printed name and title of person signing for assignee DAVID Y. CHAO, DIRECTOR OF INTERNATIONAL SALES		

95 OCT 22 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Reissue Application

Inventor: Richard Chao

Reissue Application No.: Unknown

Filed: Herewith

Patent No.: 5,568,207

Title: AUXILIARY LENSES FOR  
EYEGLASSES

) REISSUE PATENT APPLICATION

) Art Unit: Unknown

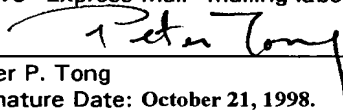
) Examiner: Unknown

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: TB687080988US

Date of Mailing: October 21, 1998.

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Assistant Commissioner for Patents, Washington, DC 20231 and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

 (Signature)  
Peter P. Tong  
Signature Date: October 21, 1998.

REISSUE APPLICATION DECLARATION OF RICHARD CHAO  
AND POWER OF ATTORNEY

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Richard Chao, hereby declare that:

1. I am the sole inventor of the subject matter described and claimed in the attached U.S. Patent No. 5,568,207, issued on October 22, 1996, for an invention entitled, "Auxiliary Lenses for Eyeglasses" (the "Patent"), for which invention I solicit a reissue patent.

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2. I am a citizen of Taiwan, R.O.C., and my address is No. 43-4, Yi Hsin Tsuen, Shui San Hsiang, Chia Yi Hsien, Taiwan.

3. I have reviewed and understand the contents of the above identified specification, including the claims.

4. I acknowledge the duty to disclose information that is material to the examination of this application (the "Reissue Application"), namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the Reissue Application to issue as a patent. In compliance with this duty, there is attached an information disclosure statement in accordance with 37 CFR 1.98.

5. I believe the Patent to be partly inoperative because of errors without any deceptive intent on my part.

The statement below specifies the errors relied upon, and how they arose (37 CFR 1.175(a)(5)), namely, why the Patent is believed to be partly inoperative (37 CFR 1.175(a)(1)); and more distinctly, the excess or insufficiency in the claims that make the patent partly inoperative "by reason of the patentee claiming less than he had a right to claim in the patent" (37 CFR 1.175(a)(3)).

As hereinafter more fully explained, I believe that through error, without any deceptive intent, subject matter was disclosed in the figures of the Patent, but not described in text; and vice versa. Though the Patent was not appropriately claimed, the disclosed figures and text show my intent to claim. The circumstances giving rise to the aforesaid error, to the best of my information and belief, are set forth below.

6. At the time the application for the Patent was being prepared (the "Original Application"), I requested that the Original Application protect my magnetic frames invention. I provided my Taiwan patent counsel with sketches and descriptions, and requested the Original Application preparation move forward. My Taiwan patent counsel ensured me that my invention would be protected. I was not versed in patent application and patent law. As a result, I posited the utmost trust in my Taiwan patent counsel to ensure that my invention would be safeguarded.

7. When the Original Application was completed, I reviewed it and understood the disclosure with the claims. I relied upon my Taiwan patent counsel's assurances that my invention would be protected in the market place based on the Original Application as prepared.

8. While I understood the disclosure and the claims, I was not really able to thoroughly understand US patent law and procedure. For example, I believed that as long as an embodiment was in the disclosure, such as in the figures or the detailed description of the preferred embodiment, of the Patent, I would have got protection for it. At all times during the preparation and prosecution of the Original Application, I was assured by my Taiwan patent counsel that the Original Application would protect my invention.

9. The Patent was allowed and issued on October 22, 1996.

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10. Recently, my Patent has been opposed by third parties. Specifically, as shown in the attached German opposition (Appendix I), Pentax Vision Co. (hereinafter "Pentax") opposed to the grant of the Patent's corresponding German patent. Also, the U.S. Patent and Trademark Office has notified me that an interference has been declared on my Patent. A copy of the declaration is enclosed (Appendix II). Both of these events have caused me to be concerned that the Patent may be partly inoperative by reason of my inappropriate claiming, including claiming less than what I have a right to claim.

11. Based on further investigation, I was advised that my Taiwan patent counsel failed to appreciate the full scope and breadth of the invention. I should both broaden and narrow my claims.

12. I was advised, for example, that (1) I should include as dependent claims magnetic members being magnets; (2) I should include as dependent claims two upper side portions, and the gap between the first magnetic members and the second magnetic members; (3) I should claim magnetic members engaging on a horizontal position; (4) I should claim primary spectacle frames without auxiliary frames; (5) I should claim auxiliary frames without primary spectacle frames; (6) I should include as dependent claims the end portion of an arm extending downward for hooking on the primary spectacle frame; and (7) I should broaden the issued Claim 1.

13. I was also advised that I should (a) Describe one embodiment disclosed in FIG. 7 of the Patent, for example, the magnetic members 14 and 22 not being in contact with each other, the arm 21 being supported on an upper side portion of the primary spectacle frame 10, and the upper side portion being an upper part of the side portion securing the projection 13; and (b) Include a new FIG. 8 illustrating one embodiment of "the end portions of the arms 21 ... extended downward toward the projections 13 such that the arms 21 ... may hook on the primary spectacle frame 10..." See Col. 3, lines 4-7 of the specification.

14. I was further advised of the ability to seek reissue of my invention in the Patent in order to correct the errors.

15. Failure to describe embodiments shown in the figure and the text, and to suggest broader and narrower claim language were errors. They resulted from the fact that I did not understand the procedure of patent prosecution and the law of patent. The errors occurred without any deceptive intent on my part, nor do I believe that there was any deceptive intent on the part of any other person.

16. I also believe that the invention as claimed in this Reissue Application was disclosed in the Patent, and no new matter has been introduced in this Reissue Application.

17. I believe that this Reissue Application seeks to correct the above-described errors through the following changes:

Add a new FIG. 8, as attached.

A new informal FIG. 8 is submitted herewith. Upon the acceptance of the figure, a formal FIG. 8 will be submitted.

At column 2, line 30, insert a new paragraph as follows:

--FIG. 8 illustrates another embodiment of a cross sectional view taken along lines 7-7 of FIG. 6.--

At column 3, line 10, insert at the end of the line the following:

--In one embodiment, as shown in FIG. 7, magnetic members 14 and 22 are not in contact with each other; magnetic members 14 and 22 are engaged with, but not supported on, each other. Instead, the arm 21 securing the magnetic member 22 is supported on an upper side portion of the primary spectacle frame 10. As shown in FIG. 7, the upper side portion can be an upper part of the side portion securing the projection 13.--

Amend Claim 1 and Add new claims 3-35 as follows:

1. **(Once Amended)** An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein, said primary spectacle frame including two side portions each having an extension extended therefrom for pivotally coupling a leg means thereto, said primary spectacle frame including two rear and side portions each having a projection secured thereto, said primary spectacle frame including an upper side portion,

a pair of first magnetic members secured in said projections respectively, an auxiliary spectacle frame for supporting auxiliary lenses therein, said auxiliary spectacle frame including two side portions each having an arm extended therefrom, with at least one arm for extending over [and for engaging with] said upper side portion of said primary spectacle frame, and

a pair of second magnetic members secured to said arms respectively for engaging with said first magnetic members of said primary spectacle frame so as to secure said auxiliary spectacle frame to said primary spectacle frame,

at least one of said arms being [engaged with and] supported on said upper side portion of said primary spectacle frame so as to allow said auxiliary spectacle frame to be stably supported on said primary spectacle frame and so as to prevent said auxiliary spectacle frame from moving downward relative to said primary spectacle frame and so as to prevent said auxiliary spectacle frame from being disengaged from said primary spectacle frame.

3. **(New)** An eyeglass device as recited in claim 1 wherein the first and the second magnetic members are magnets.

4. **(New)** An eyeglass device as recited in claim 1 wherein:  
the primary spectacle frame includes two upper side portions, each upper side portion for supporting one of said arms.

5. **(New)** An eyeglass device comprising:  
a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto;  
the primary spectacle frame including a projection extending from each said side portion;  
each projection securing a first magnetic member; and  
the primary spectacle frame including an upper portion; and

an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each said auxiliary side portion having an arm extended therefrom;  
with at least one arm being configured to extend over the upper portion of the primary spectacle frame;  
each arm securing a second magnetic member;  
each second magnetic member configured to engage with one of the first magnetic members of the primary spectacle frame; and  
the upper portion supports at least one arm of the auxiliary frame.

6. (New) An eyeglass device as recited in Claim 5 wherein the upper portion is an upper part of one of the side portions.

7. (New) An eyeglass device as recited in Claim 5 wherein the first and the second magnetic members are magnets.

8. (New) An eyeglass device as recited in Claim 7 wherein the first magnetic members are not in contact with the second magnetic members.

9. (New) An eyeglass device as recited in Claim 8 wherein the upper portion is an upper part of one of the side portions.

10. (New) An eyeglass device comprising:  
a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;  
each side portion having an extension extended therefrom for pivotally coupling a leg thereto;  
the primary spectacle frame including a projection extending from each said side portion;  
each projection securing a first magnetic member; and  
the primary spectacle frame including an upper means; and  
  
an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each said auxiliary side portion having an arm extended therefrom;  
with at least one arm being configured to extend over the upper means of the primary spectacle frame;  
each arm securing a second magnetic member;  
each second magnetic member configured to engage with one of the first magnetic members of the primary spectacle frame; and

the upper means supports at least one arm of the auxiliary frame.

11. (New) An eyeglass device as recited in claim 10 wherein:  
the first and the second magnetic members are magnets; and  
the upper means is an upper part of one of the side portions.

12. (New) An eyeglass device comprising:

a primary frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;  
each side portion having an extension extended therefrom for pivotally  
coupling a leg thereto; and  
the primary spectacle frame including two first magnets, each secured to  
one of the side portions of the primary frame; and

an auxiliary frame for supporting auxiliary lenses therein, and for disposing  
in front of the primary frame;  
the auxiliary spectacle frame including two auxiliary side portions; and  
the auxiliary frame including two second magnets, each secured to one of  
the auxiliary side portions, for engaging on a horizontal position with one of the  
first magnets so as to secure the auxiliary frame to the primary frame.

13. (New) An eyeglass device as recited in Claim 12 wherein:

the primary spectacle frame includes a projection extending from each of  
its side portion;  
each projection secures one of the first magnets;  
the primary spectacle frame includes an upper portion;  
each said auxiliary side portion has an arm extended therefrom;  
at least one arm is configured to extend over the upper portion of the  
primary spectacle frame;  
each arm secures one of the second magnets; and  
the upper portion is an upper part of one of the side portions.

14. (New) A primary eyeglass device adapted to stably support an auxiliary  
spectacle frame, which includes two auxiliary side portions, each auxiliary side  
portion having an arm extended therefrom, and each arm securing a first magnetic  
member,

the primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two primary side portions;  
each side portion having an extension extended therefrom for pivotally  
coupling a leg thereto;  
the primary spectacle frame including a projection extending from each  
said side portion;  
each projection securing a second magnetic member;

the primary spectacle frame including an upper portion; and  
 when the primary frame is supporting the auxiliary frame,  
     each second magnetic member engages with one of the first  
 magnetic members;  
     the upper portion being extended over by at least one arm of the  
 auxiliary frame; and  
     the upper portion supports at least one arm of the auxiliary frame.

15. (New) A primary eyeglass device as recited in Claim 14 wherein the upper  
 portion is an upper part of one of the primary side portions.

16. (New) An auxiliary eyeglass device comprising:  
     an auxiliary spectacle frame for supporting auxiliary lenses therein;  
     the auxiliary spectacle frame including two auxiliary side portions;  
     each auxiliary side portion having an arm extended therefrom; and  
     each arm securing a first magnet;  
     the auxiliary spectacle frame being adapted to be stably supported on a  
 primary spectacle frame, which includes two primary side portions, each side  
 portion securing a second magnetic member, the primary spectacle frame also  
 including an upper portion; and  
     when the auxiliary frame is supported by the primary frame,  
     each first magnet engages with one of the second magnetic  
 members; and  
     at least one arm of the auxiliary frame extending over the upper  
 portion.

17. (New) An auxiliary eyeglass device as recited in Claim 16 wherein  
 when the auxiliary frame is supported by the primary frame, at least one  
 arm of the auxiliary frame is supported by the upper portion of the primary  
 frame, which is an upper part of one of the primary side portions.

18. (New) An auxiliary eyeglass device adapted to be stably supported on a  
 primary spectacle frame, which includes two primary side portions, each said side  
 portion securing a first magnetic member, the primary spectacle frame also  
 including an upper portion, the auxiliary eyeglass device comprising:

    an auxiliary spectacle frame for supporting auxiliary lenses therein;  
     the auxiliary spectacle frame including two auxiliary side portions;  
     each auxiliary side portion having an arm extended therefrom;  
     each arm securing a second magnet; and  
     when the auxiliary frame is supported by the primary frame,  
     each second magnet engages with one of the first magnetic  
 members of the primary spectacle frame; and  
     at least one arm of the auxiliary frame extending over the upper  
 portion.



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19. (New) An auxiliary eyeglass device as recited in Claim 18 wherein when the auxiliary frame is supported by the primary frame, at least one arm of the auxiliary frame is supported by the upper portion of the primary frame, which is an upper part of one of the primary side portions.

20. (New) A primary eyeglass device comprising:  
a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two primary side portions;  
each side portion having an extension extended therefrom for pivotally coupling a leg thereto;  
the primary spectacle frame including a projection extending from each said side portion;  
each projection securing a first magnet; and  
the primary spectacle frame including an upper portion;

the primary frame adapted to stably support an auxiliary spectacle frame, which includes two auxiliary side portions each securing a second magnetic member; and

when the primary spectacle frame is supporting the auxiliary spectacle frame,

the upper portion is extended over by at least one of the auxiliary side portions;

the upper portion supports at least one of the auxiliary side portions; and

each first magnet engages with one of the second magnetic members.

21. (New) A primary eyeglass device as recited in Claim 20 wherein the upper portion is an upper part of one of the primary side portions.

22. (New) A primary eyeglass device adapted to stably support an auxiliary spectacle frame, the auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame, the auxiliary spectacle frame including two auxiliary side portions, each auxiliary side portion having an arm extended therefrom, and each arm securing a first magnet,

the primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto;

the primary spectacle frame including a projection extending from each said side portion;

each projection securing a second magnet; and

when the primary frame is supporting the auxiliary frame, each second magnet is coupled to, but not in contact with, one of the first magnets on a horizontal position so as to secure the auxiliary frame to the primary frame.

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23. (New) An eyeglass device as recited in Claim 4 wherein each upper side portion is an upper part of one of the side portions of the primary spectacle frame.

24. (New) An eyeglass device as recited in Claim 23 wherein the magnetic members are magnets.

25. (New) An eyeglass device as recited in Claim 1 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the primary spectacle frame so as to further stably support and secure the auxiliary spectacle frame to the primary spectacle frame.

26. (New) An eyeglass device as recited in Claim 5 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.

27. (New) An eyeglass device as recited in Claim 10 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.

28. (New) An eyeglass device as recited in Claim 12 wherein at least the end portion of one auxiliary side portion extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.

29. (New) An auxiliary eyeglass device as recited in Claim 16 wherein when the auxiliary frame is supported by the primary frame, at least the end portion of one arm extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame can be further stably supported and secured to the primary spectacle frame.

30. (New) An auxiliary eyeglass device as recited in Claim 18 wherein when the auxiliary frame is supported by the primary frame, at least the end portion of one arm extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame can be further stably supported and secured to the primary spectacle frame.

31. (New) An eyeglass device as recited in claim 25 wherein the first and the second magnetic members are magnets.

32. (New) An eyeglass device as recited in claim 26 wherein the first and the second magnetic members are magnets.

33. (New) An eyeglass device as recited in claim 27 wherein the first and the second magnetic members are magnets.

34. (New) An eyeglass device comprising:

a primary frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;  
each side portion having an extension extended therefrom for  
pivotally coupling a leg thereto; and  
the primary spectacle frame including two first magnets, each secured to  
one of the side portions of the primary frame; and  
  
an auxiliary frame for supporting auxiliary lenses therein, and for disposing  
in front of the primary frame;  
the auxiliary spectacle frame including two auxiliary side portions;  
and  
the auxiliary frame including two second magnets, each secured to one of  
the auxiliary side portions, for coupling on a horizontal position with one of the  
first magnets so as to secure the auxiliary frame to the primary frame.

35. (New) An eyeglass device comprising:

a primary frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;  
each side portion having an extension extended therefrom for pivotally  
coupling a leg thereto; and  
the primary spectacle frame including two first magnetic members, each  
secured to one of the side portions of the primary frame; and  
  
an auxiliary frame for supporting auxiliary lenses therein, and for disposing  
in front of the primary frame;  
the auxiliary spectacle frame including two auxiliary side portions;  
and  
the auxiliary frame including two second magnetic members, each secured  
to one of the auxiliary side portions, for coupling on a horizontal position, but not  
in contact, with one of the first magnets so as to secure the auxiliary frame to the  
primary frame.

18. As a result of these corrections, the amended claim, the new claims and the amended specification more closely represent my invention. The specification and the claims in the Patent caused the Patent to be partly inoperative. My invention is better represented by the amended specification, the amended claim, and the new claims for reissue.

**POWER OF ATTORNEY**

As the sole named inventor, I hereby appoint the following attorneys to prosecute and transact all business in the U.S. Patent and Trademark Office regarding this Reissue Application: Sheldon R. Meyer, Reg. No. 27,660, and Peter P. Tong, Reg. No. 35,757.

**Please address all correspondence to:**


Sheldon R. Meyer  
FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, CA 94111-4156

**Please direct all telephone calls to:**

Peter P. Tong  
(415) 362-3800

I hereby declare that I am authorized to sign for Contour and that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Reissue Application and any patent issuing thereon.

Full Name: Richard Chao

Signature: 

Dated: 10-18-98

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OCT 21 1998

FLIESLER, DOBB,  
MEYER & LOVEJOY

In re Reissue Application

Inventor: Richard Chao

Reissue Application No.: Unknown

Filed: Herewith

Patent No.: 5,568,207

Title: AUXILIARY LENSES FOR  
EYEGLASSES



Art Unit: Unknown

Examiner: Unknown

#4

ASSENT OF ASSIGNEE

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Contour Optik, Inc., of 42 4 Yi-Hsing Chun, Suishang Hsiang, Chiayi, Taiwan 608, Republic of China, is the sole Assignee of United States Patent No. 5,568,207, granted on October 22, 1996, by an assignment executed by the inventor Richard Chao and in the United States Patent and Trademark Office at Reel 8334, Frames 0766-7, and hereby assents to the reissue of United States Patent No. 5,568,207. The attached evidentiary documents have been reviewed and Assignee certifies that to the best of Assignee's knowledge and belief, title to the above-identified application is in Assignee.

I hereby declare that I am authorized to sign for Contour Optik, Inc. and that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable

Attorney Docket No.: CONT1013SMR/PPT  
/ppt/cont1013 G07

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